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CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
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Donald Friend
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407-624-5821

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Donald Friend, an individual,

Plaintiff

v.

Google LLC, a Delaware limited liability company,

Defendant

COMPLAINT FOR:

- I. BREACH OF CONTRACT**
- II. VIOLATION OF CAL. BUS. & PROF. CODE § 17200 *et seq.***
- III. FALSE ADVERTISING UNDER 15 U.S.C. § 1125(a)(1)(B)**

JURY TRIAL DEMANDED

CASE NUMBER:

C 24 03571 SVK

1. Plaintiff Donald Friend (Friend) brings this action against Google LLC (Defendant) to halt the Defendants' complex and misleading system and practices, which perpetuate fraud on Google Maps through Google Product Experts (GPEs) and internal Google employees.
2. Some GPEs actively manage and promote fraudulent business listings in exchange for compensation from businesses and prevent relevant negative information about the listings they represent from reaching Defendant. Defendant ignores this behavior while GPEs leverage their internal Google relationships and abuse the trust and authority given to them by Defendant for their own profit. This activity impacts thousands of local businesses nationwide, causing immense and unmeasurable financial damage.

- 19 3. Friend is an investor in a local business and brings this action to stop the Defendants'
20 willful fraudulent conduct and the ongoing harm they are causing to Friend, Consumers,
21 and all local business owners.

22
23 **PARTIES**

- 24 4. Friend is an individual residing in Orange County, Florida, with a mailing address of 4630
25 S Kirkman Rd, Ste 441, Orlando, Florida, 32811.
- 26 5. Google LLC is a limited liability company organized under the laws of the State of
27 Delaware, with its principal place of business located at 1600 Amphitheatre Parkway,
28 Mountain View, California 94043.

29
30 **JURISDICTION, VENUE, AND DIVISIONAL ASSIGNMENT**

- 31 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. §
32 1121, as this is a civil action arising under the federal Lanham Act, as amended, 15 U.S.C.
33 § 1051 et seq. (the “Lanham Act”). The Court has supplemental jurisdiction over all
34 other claims pursuant to 28 U.S.C. § 1367 because all claims herein form part of the
35 same case or controversy under Article III of the United States Constitution.
- 36 7. This Court has personal jurisdiction over Defendant Google LLC because Google’s
37 principal place of business is in California, where this Court is located. Additionally,
38 Google has consented to the jurisdiction of the federal and state courts in Santa Clara
39 County, California, through its Terms of Service, which include a choice of venue
40 provision, as discussed in more detail below.

41 8. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because a substantial part of
42 the events or omissions giving rise to the claims occurred at Defendants headquarters,
43 which is in this District. Additionally, Plaintiff consented to venue in this District through
44 Google's Terms of Service and the choice of venue provision therein, as discussed in
45 more detail below.

46 9. This action is properly assigned to the San Jose Division of this District under Civil Local
47 Rule 3-2(c) because Defendant Google is headquartered in Santa Clara County, which is
48 served by the San Jose Division.

49
50 **GOOGLES BUSINESS PROFILE AND GOOGLE MY BUSINESS SERVICES**

51 10. Among its other services, Google offers a search engine, Google Search, and a mapping
52 tool, Google Maps. Both Search and Maps contain "Business Profiles" with details of
53 businesses, service providers, and other places of interest. Business Profiles span an
54 enormous variety of businesses and professionals: restaurants, car mechanics,
55 accountants, plumbers, dentists, hair salons, law firms, government agencies,
56 contractors, retail stores, amusement parks, and many other kinds of goods or service
57 providers.

58 11. With Search and Maps, users can explore and search for businesses in a given area. The
59 resulting Business Profiles display certain information about a business, including its
60 street address, hours, website, phone number, and so on. Business Profiles also display
61 user-submitted reviews of the associated business. It is important to consumers that this
62 information be authentic and accurate. Likewise, because consumers often use Business

63 Profiles and user-submitted reviews to identify businesses and decide which ones to
64 patronize, many business owners—and especially small business owners—find Business
65 Profiles important for attracting and maintaining customers.

66 12. For several years, Defendant has offered businesses a suite of free tools to manage their
67 Business Profiles. These tools were previously known as Google My Business, and some
68 users adopted that term to refer to individual Business Profiles as well (as in, for
69 example, “Our business’s phone number and website appear on our GMB.”). Google
70 changed the Google My Business name to Google Business Profile in late 2021, though
71 many businesses and consumers continue to refer to Google My Business or “GMB.”

72 13. New Business Profiles may be created by businesses themselves, automatically created
73 by Google, or suggested by members of the public. To create a new Business Profile or
74 claim an existing Business Profile, a person must verify basic details about the business
75 and that they are the business’s owner or other authorized representative. Following
76 this verification process, the person becomes the profile’s “owner” and may edit that
77 Business Profile, grant other users access to do so, and use various other tools and
78 features. For instance, verified business owners and their authorized representatives can
79 update their hours, address, or website, and they can add photos or promotional offers.

80 14. Google offers businesses and their owners a variety of options to complete the
81 verification process. Many businesses verify their addresses by requesting a postcard
82 with a verification code that Google sends to their physical location. Some merchants,
83 including those that operate within a given service area and not from a single physical
84 location at which they can receive a postcard, may be able to verify their listing through

other methods. These include, for example, receiving a phone call or conducting a video call with a Google employee, during which the business can confirm its legitimacy by displaying identifying features like sales inventory, tools of the trade, or a physical storefront.

15. Google offers the ability for GMB profiles to be designated as either physically present and able to receive walk-in customers, a service-area business, or a hybrid. However, a general observation seems to be that businesses with physical locations close to the search results appear more prominently, leading many “service-area” or “hybrid” businesses to claim a physical location.

16. Due to Google’s ranking algorithm, appearing with a physical location is preferred to boost the inbound organic leads received. This incentivizes “Service Area” businesses to claim that the profile is a “physical location” that can receive customers when in fact it is a home, an unstaffed office, or simply an address of another (unrelated) business used to trick Google into thinking there is a physical location. This is an aspect that Sterling Sky Inc and other GPEs work hard to extort for their own benefit.

17. Considering the benefit inbound leads provide for local businesses using Google Maps, the financial incentive is high and ripe for fraud. GPEs exploit this incentive to promote their services and push forward noncompliant locations for the benefit of their paid customers.

DEFENDENTS NONCOMPLIANT, FAKE, FRAUDULENT LISTING REPORTING PROCESS

18. To report “fake,” noncompliant, or fraudulent listings, users are given few channels to report it through Google Maps or complete a Business Redressal Complaint. Both of these avenues generally do not produce results, responses, or any indication that anything has been reviewed. After a week or so, a user can escalate the problem to the Google My Business Community, which is moderated by GPEs. These GPEs escalate cases to Google as they deem fit. This is an aspect that is critical to the context of this complaint. Consumers are unable to communicate with Google except through a GPE who claims to be a volunteer, doesn’t work for Google, and has sole discretionary power as to the outcome of the complaint. Defendant is clearly not doing enough to protect local businesses from fraud, lacks checks and balances, and its employees are corrupt.
19. GPEs (Product Area Experts) are given special privileges and direct access to communicate with Google, with the intent to assist users. However, some GPEs misuse their authority to help clients promote fake, noncompliant, or fraudulent listings in exchange for money. This abuse continues when users report damaging information. As moderators, these GPEs silence dissenting reports, close cases prematurely, and collaborate with other GPEs to manage reports in a way that benefits them. When a GPE encounters a report against another GPE’s client, they work together to suppress the report. If damaging information reaches a Google reviewer and results in a profile suspension, GPEs use their connections with internal Google employees to reinstate their clients' profiles. This corruption is widespread and deep-rooted.

128 20. Defendants do not offer sufficient protection to local businesses from this type of fraud.

129 This damages the Defendant—their products, trustworthiness, credibility, transparency,
130 and reputation—as well as the Plaintiff, thousands of local businesses, and misled
131 consumers. The impact of local search is too important to be obscured behind politics
132 and corporate infrastructure that allows businesses to pay off GPEs to keep their fake
133 locations from being reported properly to Defendant.

134 21. If blocked by GPEs, the only other reporting channel is legal, providing a high barrier to
135 resolve the issue for many affected business owners.

136 22. The behavior with supporting evidence has been reported in writing two separate times
137 and repeatedly ignored by Google. Considering Google's immense resources and
138 influence, the only solution is injunctive relief provided by the court.

139
140 **STERLING SKY**

141 23. Sterling Sky Inc (Sterling Sky) is a local seo company advertises on their website that they
142 employ four GPEs: Joy Hawkins (Owner), Colon Nielsen (Vice President of Local Search),
143 Yan Gilbert (Sr. SEO Specialist & Analyst), and Elizabeth Rule (Local SEO Analyst &
144 Account Manager).

145 24. Hawkins is prominently featured by Google on YouTube videos and social media posts
146 and is claimed to be looked upon in the industry as a thought leader for local search.
147 This affords her a leadership position among GPEs and a platform of communication.
148 Through Friends experience, Hawkins and associates at Sterling Sky actively work to
149 protect their clients' fraudulent practices from being reported to Google, reinstate them

with Google when they are deactivated, and coach their clients to skirt the Google approval system. This negates the intent and the spirit of what Google Business Pages. Upon personally reporting a fraudulent business listing, Friend was assisted by a GPE and the listing was correctly reviewed and removed by Google. Once the GPE learned the name of the company being reported, the GPE stopped assisting Friend further.

25. Hawkings and Nielson, leveraged their Google resources and reinstated this profile quickly. Upon further research it was clear that the business profile was a customer of Sterling Sky. Upon further follow up in the Google My Business Community Forum, Friends posting privileges removed, accounts shutdown, and teamed up on by GPEs for the reporting of their client. I have reported several other locations with similar outcomes.

26. The GMB Community Forum is the main non-legal channel for issues to be reported. These and other GPEs collude to protect their clients, shutting down whistleblowers, removing their posting privileges, and closing threads. To be clear, this is the main channel for problem resolution and is monitored by crooked GPEs accepting money for GMB profile protection. Defendant is not doing enough to protect Local Businesses and Consumers from this type of fraud.

27. Friend, upon reporting a violation was addressed by Hawkins - who works and lives in a different country than the reported business and through belief, has never been to the business location- rapidly worked to reactivate the profile and defend their fraudulent client location. This pattern occurred several times. Through first-hand experience, upon reporting a violation, Hawkins who works and lives in a different country than the

172 reported business, has never been to the business location, rapidly worked to reactivate
173 the profile and defend their client's fraud.

174 28. Ignoring Google's decisions to suspend the profile, Hawkins and Sterling Sky associates
175 work to reactivate their clients' suspended profile, coaching clients to provide bare
176 minimum evidence and eventually shutting down a reporter's ability to report or
177 comment any further. Hawkins and her team, though they are not employed by Google,
178 leverage their relationships within Google to reactivate their clients. They rely on the
179 thick bureaucracy of Google to protect themselves and their clients.

180 29. Hawkins and Sterling Sky collude with other GPEs to be notified of client mentions,
181 disable accounts of reporting users to silence negative information, and close threads.
182 Effectively, Sterling Sky uses their Google-given privileges and authority to help their
183 customers commit fraud, causing millions in damage to local businesses. They actively
184 claim that all businesses must meet a criterion of rules while themselves allowing their
185 clients to avoid enforcement of Google's rules, policies, and guidelines. It is a massive
186 abuse of authority and creates fraud across the United States, defrauding thousands of
187 businesses.

188 30. Google has been notified in detailed written descriptions on two separate occasions and
189 has ignored the notifications to date. There is no alternative outside of filing this legal
190 complaint.

191 31. An injunction is the only solution to protect businesses from these fraudulent activities,
192 stripping GPEs of authority and stopping the fraudulent activity. As it is impossible to
193 determine the extent to which GPEs are involved, Sterling Sky, Hawkins, and her

194 associates clearly can persuade other GPEs to accomplish their fraudulent goals. There is
195 no choice but for an immediate injunction stopping all activity of Sterling Sky and all
196 GPEs. Google must implement a new system of checks and balances, as the community
197 approach that currently exists is ripe for corruption, fraud, and dishonesty as we have
198 seen here.

199
200 **GOOGLE LLC VS GMBEYE**

201 32. Defendant has itself filed complaints against other companies that have supported the
202 creation of fake and fraudulent listings. Defendant is simultaneously allowing their GPEs
203 to promote fraud while actively suing another company for fraud in a similar manner
204 with fake, bogus, and fraudulent listings. Both are compensated by their customers for
205 supporting fake listings to profit off the backs of Google Users, and local businesses. This
206 activity must stop immediately.

207
208 **DEFENDENTS & GPES VIOLATIONS OF GOOGLE'S TERMS OF SERVICE**

209 33. To create or claim a Business Profile on Google, users must either create or use an
210 existing Google account. By creating an account on Google, each user expressly agrees to
211 Google's Terms of Service ("TOS").
212 34. The TOS provides that "all disputes arising out of or relating to these terms . . . will be
213 resolved exclusively in the federal or state courts of Santa Clara County, California, USA,
214 and [the user] and Google consent to personal jurisdiction in those courts."

- 215 35. The TOS incorporates “service-specific additional terms.” These “services” include
216 Google Business Profile and Maps, each of which has a separate set of terms of service.
217 As relevant here, the Google Business Profile Additional Terms of Service (“GBP TOS”),
218 Google Business Profile policies and guidelines (the “GBP Policies”), and Google Maps
219 Policies are all incorporated by reference into the TOS. To use Google Business Profile as
220 a merchant, verifying, or editing a Business Profile, a user must reconfirm acceptance of
221 the GBP TOS by proceeding through an enrollment process that states “[b]y clicking
222 proceed you accept Google Business Profile Additional Terms of Service.”
- 223 36. By exploiting Google’s verification process to create and verify a business location the
224 Defendants GPEs violate Googles GBP TOS, the GBP Policies, and the Google Maps
225 Policies.
- 226 37. At all relevant times, the GBP TOS has provided that, in order “[t]o qualify for a Business
227 Profile on Google, a business must make in-person contact with customers during its
228 stated hours” and that “lead generation agents or companies” may not create Business
229 Profiles. The GBP Policies further mandate that users “be upfront and honest about the
230 information provided” and “not provide inaccurate or false information about [their]
231 business or the services and products offered.” Business Profile users must also
232 “accurately represent their business name . . . as used consistently on [their] storefront,
233 website, stationery, and as known to customers.”
- 234 38. More generally, the GBP Policies reiterate that “[f]raudulent or illegal activities aren’t
235 tolerated on Google[.]” Equivalent terms, with slightly different phrasing, appeared in
236 the versions of these policies that governed Google My Business during all relevant

237 periods. However, Defendants do not provide a mechanism for problem resolution
238 outside of going through the Google My Business Community Forum, which as
239 mentioned is monitored by GPEs. Telephone, Email, and "X" have been attempted to
240 contact Google with only receiving canned responses or no response.

241 39. Defendants' business models and practices violate their own established provisions.

242 GPEs create and help verify dummy Business Profiles for businesses that do not actually
243 exist at the physical location as claimed. GPEs thus "provide inaccurate or false
244 information" and are not "upfront and honest about the information provided."

245 40. GPEs are actively defending and supporting virtual office spaces and unoccupied office
246 spaces as physical business locations. Their clients are coached to use VOIP telephone
247 numbers to support the appearance of a local business area code when in fact the
248 business is not managed or run out of the claimed location. Upon visiting personally
249 visiting several sites, myself and other customer may be greeted with locked doors,
250 empty offices, abandoned parking lots, and po box, and virtual office spaces with no
251 business present making it clear that these profile are set up for the sole purpose of
252 "lead generation."

253 41. GPEs behavior surrounding the support and assistance with verification of a fake
254 business location and paid support of these Business Profiles constitutes "fraudulent"
255 conduct in violation of the GBP Policies.

256 42. GPES preach the GBP Policy that a Business Profile reflect a business's real name, yet
257 encourage their customers to "key word stuff" their name, go against brand guidelines,
258 circumvent Google's protections against including keywords in a customer's business

259 name. Sterling Sky is a top example of this leveraging the resources of four GPEs and the
260 attached relationships with Google and other GPEs to help their clients break the rules,
261 violate TOS, and profiteer off the backs of local businesses.

262 43. Defendants and their GPEs have also breached provisions in the GBP Policies that
263 regulate the behavior of third parties who, like the Defendants GPEs, administer or
264 purport to administer Business Profiles that they do not own. For example, the GBP
265 Policies prohibit “[d]eceptive behavior,” such as claiming a staffed office exists, when it
266 doesn’t. Sterling Sky and the GPEs they have relationships with selectively ignore these
267 rules. Generally enforcing them but allowing their clients to skirt the policies.

268 44. What has been uncovered firsthand is multiple profile locations, stanchly defended by
269 Sterling Sky and Hawkings, yet the profiles only serve as “lead generation agents,” who
270 are not permitted to use Google Business Profile, and are therefore in violation of the
271 GBP TOS.

272 45. Additionally, Defendants and their GPEs violate the Google Maps User Contributed
273 Content Policy (the “Maps UGC Policy”), which is incorporated by reference into
274 Google’s TOS. The Maps UGC Policy expressly prohibits posting fake reviews by
275 proscribing “[f]ake engagement,” defined as “content that does not represent a genuine
276 experience,” and including “[c]ontent that is not based on a real experience and does
277 not accurately represent the location or product in question.” Many of the locations that
278 Sterling Sky and Hawkings defend and support do not exist, and do not accurately
279 represent the location.

280 46. Due to Defendants' actions and lack of a clear resolution channel, Friend is forced to
281 expend substantial time and resources conducting investigations to identify and attempt
282 to report Business Profiles implicated in GPEs scheme, but the GPEs silence any reports
283 that affect their clients.

284 47. Google is not doing enough to prevent GPEs fraudulent conduct nor does it provide
285 appropriate reporting and follow up to fraudulent business profiles. Google and GPEs
286 profit from such conduct. As a result of Google allowing GPEs fraudulent conduct and
287 not providing a comprehensive reporting system, causing harm to nationwide local
288 businesses and Googles own reputation.

289 48. On information and belief, not providing an effective way for fraud resolution, by
290 disrupting Business Profiles, Search, and Maps with false and misleading information,
291 Defendants and their GPEs conduct has been a detriment to local businesses
292 nationwide.

293
294 **COUNT I: BREACH OF CONTRACT**

295 49. Plaintiff realleges and incorporates by reference the allegations of each and every one of
296 the preceding paragraphs as though fully set forth herein.

297 50. Defendants entered into binding and enforceable contracts with Google by expressly
298 agreeing to Google's TOS, as set forth above.

299 51. Google has not fully performed its obligations under the TOS.

300 52. Defendants breached their contractual obligations under the TOS in a number of ways,
301 including by creating Business Profiles for businesses that do not exist, attaching phone

numbers to Business Profiles that are not associated with those businesses, providing false information to Google in connection with Business Profiles, using Business Profiles to generate leads and selling said leads to third parties, failing to comply with Google's rules for working with third parties, and posting or causing to be posted on Google services deliberately fake reviews not based on real experiences.

53. As set forth above, as a result of Defendants' breach of the TOS, Defendants have caused Google to be damaged in an amount to be determined at trial, including by forcing Google to incur expenses to investigate and address Defendants' breach.

COUNT II: VIOLATION OF CAL. BUS. & PROF. CODE § 17200, et seq.

54. Friend realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

55. Defendants' and their GPEs use of fake Google Maps locations is contrary to the Federal Trade Commission's ("FTC") regulations. Those rules prohibit "any express or implied representation that would be deceptive if made directly by the advertiser." 16 C.F.R. § 255.1(a). Defendants violate this provision by misleading consumers with the implication that these fake business profiles exist.

56. Violation of FTC regulations is an unlawful business practice under California's Unfair Competition Law ("UCL"), Cal. Civ. Code § 17200.

57. Defendants' unlawful business practices have directly resulted in economic harm to Friend, including the costs of Friend's investigation into those practices.

323 58. Absent an injunction prohibiting these unlawful business practices, Defendants are likely
324 to continue ignore the activity of their GPEs and allow them to continue profiting from
325 and supporting fraudulent activity business profiles. Friend, and all local businesses face
326 irreparable harm from the ongoing impact of such behavior of Defendant and their GPE
327 program.

328
329 **COUNT III: FALSE ADVERTISING (15 U.S.C. § 1125(a)(1)(B))**

330 59. Google realleges and incorporates by reference all preceding paragraphs as if
331 fully set forth herein.

332 60. These false and misleading statements have deceived and/or are likely to deceive a
333 substantive segment of the buying public.

334 61. Such statements undermine Google's measures to ensure the integrity of its platform
335 and are also likely to lead merchants to use Defendants' verification services rather than
336 verify with Google in accordance with its terms.

337 62. Fake locations are misleading, as they purport to represent an actual physical
338 experiences and imply that business profile is a real business.

339 63. Because businesses and users rely on accurate Google Business Profile information, fake
340 business profiles are

341 64. Defendants have made such statements in commercial advertising or promotion in
342 interstate commerce, namely, on Defendants' websites and in Business Profiles.

343 65. Defendants' false and misleading claims are material to consumers because the claims
344 are likely to induce consumers to purchase Defendants' services by causing consumers

to believe that Defendants are have an office in a location close to their search query.

Further, Defendants' conduct constitutes false advertisement and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

66. Defendants' deceptive conduct has injured and continues to injure Friend, consumers, local businesses. Unless Defendants are enjoined by this Court pursuant to 15 U.S.C. § 1116, Defendants will continue to mislead the public and cause harm to Friend, consumers, and local businesses.

67. Defendants' and their GPEs false and misleading claims are deliberate, willful, fraudulent, and without extenuating circumstances. Defendants' conduct is thus an "exceptional case" within the meaning of section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a). Friend is therefore entitled to recover three times the amount of its actual damages and the attorneys' fees and costs incurred in this action, as well as prejudgment interest.

PRAYER FOR RELIEF

68. WHEREFORE, Google respectfully requests the following relief:

- A. That Defendants are adjudged to have breached their established TOS between Defendant and Users;
- B. That Defendants are adjudged to have engaged in unlawful business acts or practices in violation of California's Unfair Competition Law;

- C. That Defendants are adjudged to have violated 15 U.S.C. § 1125(a)(1)(B) by making material, false, and misleading representations of fact in commercial advertisements about the nature and qualities of their products and services;
- D. That Defendants GPE program be permanently enjoined and terminated.
- E. That Defendant provides a transparent reporting mechanism for businesses and users to follow up on reported fake and fraudulent listings and have reported issues handled promptly.
- F. That Defendant establish proper penalties for fraudulent business listings to deter behavior and encourage compliance.
- G. That Friend be awarded damages in an amount sufficient to compensate it for damages caused by Defendants' willful acts.
- H. That Friend be awarded pre-judgment and post-judgment interest; and
- I. That Friend be granted such further relief as the Court may deem just and equitable.

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JURY TRIAL DEMANDED

386

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Google respectfully

387

demands a jury trial of all issues so triable.

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Dated: June 11, 2024

389

Respectfully submitted,

By: 

Donald Friend

Pro Se

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